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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,522	10/31/2003	Michael Harris	8803-0078	4226
34637	7590	10/31/2007		
BIDDLE & ASSOCIATES 6300 POWERS FERRY ROAD SUITE 600-183 ATLANTA, GA 30339			EXAMINER NGUYEN, TU T	
			ART UNIT 2886	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/699,522

Applicant(s)

HARRIS ET AL.

Examiner

Tu T. Nguyen

Art Unit

2886

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 22-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I (claims 1-21) in the reply filed on 07/30/2007 is acknowledged. The traversal is on the ground(s) that Group I and II, although not obvious in view of each other, are very similar in subject matter so it is not overly burdensome on the examiner to examine the two groups. This is not found persuasive because Groups I and II use different methods and having different structures for measuring the profile of an object. Since applicant admits that Group I being directed to an embodiment and group II directed to an alternate embodiment (page 2), it clearly would be overly burdensome on the examiner to check for both embodiments.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

Claim 3 is objected to because of the following informalities:

Claim 3, line 3, "an object" should be changed to "the object".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Pietrzak et al (6,205,240).

With respect to claim 1, Pietrzak discloses a measurement system 150 (fig 1) comprising: a sensor unit 65 (fig 1) configured to capture the profile of an object 40 (fig 1) within a predetermined work zone 60 (fig 1) and output data representative of said object (abstract); and a control unit 95 (fig 1) for receiving and processing data received from said sensor chassis 150 (fig 1).

With respect to claim 2, Pietrzak discloses the claimed sensor chassis 150 (fig 1) comprises at least two contour sensors 65, 70 (fig 1), each aligned with said work zone 60 (fig 1) so that an object within said work zone is at least partially within the field of view (FOV) of one or more of said contour sensors (abstract, each have different field of view).

With respect to claim 12, Pietrzak discloses the claimed display 100 (fig 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,8-11,13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrzak et al (6,205,240).

With respect to claim 4, Pietrzak discloses the claimed invention except for using four sensors. However, it would have been obvious to modify Pietrzak with four sensors as claimed for measuring different views of the object at a same time.

With respect to claims 8-9, Pietrzak discloses using an illumination unit 105 (fig 1) for generating a sheet of light (abstract). However, Pietrzak does not disclose using the illumination unit for each sensor. It would have been obvious to modify Pietrzak by using an illumination unit for each sensor as claimed to measure the object at different view with different wavelength to facilitate the measurement.

With respect to claims 10-11, Pietrzak discloses the claimed invention except for a flying spot time of flight sensor or a rotatable sensor. However, it would have been obvious to modify Pietrzak with a flying spot time of flight sensor or a rotatable sensor as claimed to use the system in different environments.

With respect to claims 13-17, Pietrzak discloses the claimed invention except for carrying out a predetermined measurement or calculating the distance, angle of a feature or determining the variance or the radius of the profile. However, it would have been obvious to modify Pietrzak with the claimed limitations for measuring different characteristics of the object.

Claims 3,5-7,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrzak et al (6,205,240) in view of Fujita et al (6,909,513).

With respect to claims 3,5, Pietrzak discloses the claimed invention except for the collective capture of a 360 degrees view of the object. Fujita discloses a moveable system having two sensors 21, 22 (fig 1) mounted on a rail 204 (fig 1) for capture of a 360 degrees of the object 100 (fig 1). It would have been obvious to modify Pietrzak with the movable system taught by Fujita to capture entire surface of the object.

With respect to claim 6, Fujita discloses two sensors 21, 22 (fig 1) being radially aligned with the work zone (fig 1). It would have been obvious to modify Pietrzak by radially aligned the sensors with the work zone for different intended uses.

With respect to claim 7, Pietrzak does not disclose aligning the sensors at 90 degrees interval. However, it would have been obvious to modify Pietrzak by aligning four sensors at 90 degrees interval as claimed for different measuring purposes.

With respect to claims 18-19, Pietrzak does not explicitly discloses the claimed establishing a correlation between the first and second coordinates system. Fujita discloses the claimed correlating method between the first and second coordinates (column 2, lines 15-67). It would have been obvious to modify Pietrzak with the correlating method taught by Fujita to facilitate the measurement.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al (6,909,513).

With respect to claim 20, Fujita discloses a method for evaluating an object. The method comprising: correlating the coordinate space associated with a contour sensor with a common coordinate space (abstract or column 2, lines 15-67); and generating profile data representing a profile of a predetermined object (column 3, 45-50). Fujita does not explicitly disclose correlating with two or more sensors. Since Fujita discloses using two sensors 21,22 (fig 1) for measuring the shape of the object, it would have been obvious that Fujita would have to correlate the coordinate space associated with the two sensors as claimed in order to measure the shape of the object.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al (6,909,513) in view of Pietrzak et al (6,205,240).

With respect to claim 21, Fujita does not disclose a reference template and determining differences between the profile data and the reference template. Pietrzak discloses using a look up table to correlate the points in each view to points in a common reference system (column 18, lines 31-54). It would have been obvious that the look up table as disclosed in Pietrzak would be the same as the claimed reference template. Further, it would have been obvious to modify Fujita with Pietrzak to perform the claimed steps for determining the shape of the object more accurate.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2800 Ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tu T. Nguyen  
Primary Examiner  
Art Unit 2886

10/28/2007